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*Proposed Attorney for Debtor*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT NEVADA**

10	IN RE: SCHULTE PROPERTIES, LLC	CASE: 17-12883-mkn
11	DEBTOR	CHAPTER 11
12		
13		Hearing Date: August 30, 2017
14		Hearing Time: 9:30 am
		Estimated Time for Hearing: 15

**MOTION TO ASSUME UNEXPIRED LEASE BETWEEN SCHULTE PROPERTIES  
LLC AND TENANTS FOR RESIDENTIAL PROPERTY AT 5218 MISTY MORNING  
DR, LAS VEGAS NV 89118-0600 PURSUANT TO 11 U.S. CODE § 365**

## **NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING**

Pursuant to LR 9014.1, the court will consider this motion, objection, or other matter without further notice of hearing unless a party in interest files an objection within twenty-one (21) days from the date of service of this paper. If you object to the relief requested in this paper, you may file your objection at the bankruptcy clerk's office located in Las Vegas at the United States Bankruptcy Court, 300 Las Vegas Blvd. South, Las Vegas, Nevada 89101, and serve a copy on the movant's attorney and any other appropriate persons.

The objecting party has a duty to timely set the objection for a hearing and properly notice all parties in interest. If you do not file an objection within the time permitted, then:

- The court may refuse to allow you to speak at the scheduled hearing; and
  - The court may rule against you without formally calling the matter at the hearing; and
  - An order granting the requested relief may be entered by the court without further notice or hearing.

1           **TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

2           Debtor, Schulte Properties LLC, moves this court for an order authorizing debtor to assume  
3           the unexpired lease between Melani Schulte and tenants, BILLY OBEDOZA and KAMI  
4           CONSELVA. As grounds for the assumption, Debtor states:

- 5           1. This case was commenced on May 31, 2017 by a voluntary petition for relief under  
6           chapter 11 of title 11 of the United States Code.
- 7           2. Schulte Properties LLC is the debtor in possession.
- 8           3. Melani Schulte is the sole member of Schulte Properties LLC. Melani Schulte is the prior  
9           owner and Schulte Properties LLC is the current owner of the property located at 5218  
10           MISTY MORNING DR, LAS VEGAS NV 89118-0600 (“the Subject Property”). The  
11           tenants, BILLY OBEDOZA and KAMI CONSELVA, signed a lease with Melani Schulte  
12           which should be assigned to Schulte Properties LLC as the current property owner.
- 13           4. No prior motion for acceptance of this lease has been filed and no plan has been  
14           confirmed.
- 15           5. The Subject Property is a single family residence with 2276 square feet of livable space,  
16           4/3 bedrooms / bathrooms, 2 stories and no pool.
- 17           6. Pursuant to 11 U.S.C. section 365, debtor asks the Court to accept the lease between the  
18           tenants, BILLY OBEDOZA and KAMI CONSELVA, and Melani Schulte as between  
19           Schulte Properties LLC and the tenants. The terms of the lease are as follows:
- 20           a. The lease expires on 8/1/18.
- 21           b. The gross rent is \$1,790.00.
- 22           7. The assumption of the lease is in the best interest of the estate.
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8. A copy of the unexpired lease is available upon request and has already been provided to the Office of the US Trustee.

### **Applicable Legal Standards**

Section 365 governs the treatment of executory contracts and unexpired leases. Subject to bankruptcy court approval, a debtor-in-possession may assume or reject an executory contract or unexpired lease of the debtor. See 11 U.S.C. § 365(a).<sup>9</sup> Moreover, the trustee may assume or reject an unexpired lease of residential real property at any time before the confirmation of the plan. See 11 U.S.C. § 365(d)(2).

In this case, a plan has not yet been confirmed and the court has jurisdiction to approve the assumption of the unexpired lease.

### Conclusion

WHEREFORE, debtor prays for an order from the Court authorizing and approving the assumption of the unexpired lease between Schulte Properties LLC and BILLY OBEDOZA and KAMI CONSELVA as being in the best interest of the estate.

Dated: 26 July 2017

*[Signature]*

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AMBERLEA DAVIS  
*Proposed Counsel for Debtor*  
NV Bar #11551

<sup>9</sup> While Section 365 refers to the rights and obligations of a bankruptcy trustee, a Chapter 11 debtor-in-possession has the same rights and obligations, with exceptions not applicable to this case, under Section 1107(a).

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**UNITED STATES BANKRUPTCY COURT  
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IN RE: SCHULTE PROPERTIES, LLC  
DEBTOR

CASE: 17-12883-mkn

CHAPTER 11

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## Certificate of Service

On July 26, 2017, I served the above documents listed as

- Motion to Assume Unexpired Lease between Schulte Properties LLC and Tenants for Residential Property at 5218 MISTY MORNING DR, LAS VEGAS NV 89118-0600 Pursuant to 11 U.S.C § 365; and
  - Notice of Hearing on Motion and Opportunity to Object

were served by the following means to on the persons listed below:

- #### 1. Via ECF System:

Amberlea Davis on behalf of Debtor Schulte Properties LLC,  
[amber@sheismylawyer.com](mailto:amber@sheismylawyer.com)

2. By United States Mail, First Class Postage Prepaid:

- AJA CAMPBELL, LESSOR, 3729  
DISCOVERY CREEK AVE,

NORTH LAS VEGAS NV 89031-  
3603

- 1      • ALEXANDRA REIMANN,  
2      LESSOR, 3383 CLOVERDALE CT,  
3      LAS VEGAS NV 89117-3951
- 4      • BILLY OBEDOZA, LESSOR, 5218  
5      MISTY MORNING DR, LAS  
6      VEGAS NV 89118-0600
- 7      • BRENDA TORRES LOPEZ,  
8      LESSOR, 9500 ASPEN GLOW DR,  
9      LAS VEGAS NV 89134-0134
- 10     • CHRIS WIRTA, LESSOR, 2460  
11     AVENIDA CORTES,  
12     HENDERSON NV 89074-6349
- 13     • CHRISTOPHER MARTANO, 1392  
14     ECHO FALLS AVE, LAS VEGAS  
15     NV 89183-6377
- 16     • CLINT FISHER, LESSOR, 956  
17     OSTRICH FERN CT, LAS VEGAS  
18     NV 89183-4050
- 19     • DULCE B. SOLIZ, LESSOR, 6091  
20     PUMPKIN PATCH AVE, LAS  
21     VEGAS NV 89142-0791
- 22     • GREGORY L. WILDE, ESQ.,  
23     TIFFANY AND BOSCO, 212 S  
24     JONES BLVD, LAS VEGAS NV  
25     89107-2657
- 26     • JAMES CRAIG, LESSOR, 9020  
27     FEATHER RIVER CT, LAS  
28     VEGAS NV 89117-2367
- 1      • JESSIE C. GAYTAN, LESSOR,  
2      6091 PUMPKIN PATCH AVE, LAS  
3      VEGAS NV 89142-0791
- 4      • JURIS ORE, LESSOR, 2290  
5      SURREY MEADOWS AVE,  
6      HENDERSON NV 89052-2335
- 7      • KAMI CONSELVA, LESSOR, 5218  
8      MISTY MORNING DR, LAS  
9      VEGAS NV 89118-0600
- 10     • KAREN TAYLOR, LESSOR, 3729  
11     DISCOVERY CREEK AVE,  
12     NORTH LAS VEGAS NV 89031-  
13     3603
- 14     • LINDA REINA, LESSOR, 7873  
15     BRIDGEFIELD LN, LAS VEGAS  
16     NV 89147-5099
- 17     • LUIS LOPEZ, LESSOR, 2614  
18     SWEET LEILANI AVE, NORTH  
19     LAS VEGAS NV 89031-0693
- 20     • MARIA LOPEZ, LESSOR, 2614  
21     SWEET LEILANI AVE, NORTH  
22     LAS VEGAS NV 89031-0693
- 23     • MARY WIRTA, LESSOR, 2460  
24     AVENIDA CORTES,  
25     HENDERSON NV 89074-6349
- 26     • MELANI SCHULTE, 9811 W  
27     CHARLESTON BLVD STE 2-351,  
28     LAS VEGAS NV 89117-7528
- 1      • MICHAELA MARTANO, LESSOR,  
2      1392 ECHO FALLS AVE, LAS  
3      VEGAS NV 89183-6377
- 4      • MONICA MONTERO, LESSOR,  
5      9500 ASPEN GLOW DR, LAS  
6      VEGAS NV 89134-0134
- 7      • NETTIE JOHNSTON, LESSOR,  
8      2290 SURREY MEADOWS AVE,  
9      HENDERSON NV 89052-2335
- 10     • ROBERT LOPEZ, LESSOR, 1528  
11     SPLINTER ROCK WAY, NORTH  
12     LAS VEGAS NV 89031-1617
- 13     • ROSANNA LOPEZ, LESSOR, 1528  
14     SPLINTER ROCK WAY, NORTH  
15     LAS VEGAS NV 89031-1617
- 16     • SANDRA SCHAFER, LESSOR,  
17     3383 CLOVERDALE CT, LAS  
18     VEGAS NV 89117-3951
- 19     • SHAUNA BROGAN, LESSOR,  
20     1624 DESERT CANYON CT, LAS  
21     VEGAS NV 89128-7900
- 22     • BAC HOME LOAN SERVICING,  
23     LP, PO BOX 942019, SIMI  
24     VALLEY CA 93094-2019
- 25     • BAYVIEW LOAN SERVICING,  
26     LLC, 4425 PONCE DE LEON  
27     BLVD FL 5, CORAL GABLES FL  
28     33146-1837
- 1      • CHASE HOME FINANCE, LLC,  
2      3415 VISION DR, COLUMBUS OH  
3      43219-6009

- 1      • CITIMORTGAGE, INC, PO BOX  
2      10002, HAGERSTOWN MD 21747-  
3      0002
- 4      • CITY NATIONAL BANK, PO BOX  
5      60938, LOS ANGELES CA 90060-  
6      0938
- 7      • CLARK COUNTY ASSESSOR, 500  
8      S GRAND CENTRAL PKWY # 2,  
9      LAS VEGAS NV 89155-4502
- 10     • COPPER RIDGE C/O COLONIAL  
11     MGMT, PO BOX 63275, PHOENIX  
12     AZ 85082-3275
- 13     • CREEKSIDE HOA C/O FIRST  
14     RESIDENTIAL, PO BOX 54089,  
15     LOS ANGELES CA 90054-0089
- 16     • DAVID PIERCE, 9811 W  
17     CHARLESTON BLVD STE 2-279,  
18     LAS VEGAS NV 89117-7528
- 19     • EFREN SOTELO, 1401 SMOKEY  
20     GLEN CIR, LAS VEGAS NV  
21     89110-1313
- 22     • ELDORADO FIRST C/O TERRA  
23     WEST PROPERTY, PO BOX  
24     80900, LAS VEGAS NV 89180-  
25     0900
- 26     • ELISA CHADBOURNE, 5840  
27     TUSCAN HILL CT, LAS VEGAS  
28     NV 89141-3895
- 1      • FEDERAL HOME LOAN  
2      MORTGAGE CORP, 8200 JONES  
3      BRANCH DR, MCLEAN VA  
4      22102-3107
- 5      • FEDERAL NATIONAL  
6      MORGATE ASSOCIATION, 3900  
7      WISCONSIN AVE NW,  
8      WASHINGTON DC 20016-2806
- 9      • FEDERAL NATIONAL  
10     MORTGAGE ASSOCIATION, PO  
11     BOX 10002, HAGERSTOWN MD  
12     21747-0002
- 13     • FIFTH THIRD BANK MTG LOAN  
14     SCV, MD 1MOC FP, 5050  
15     KINGSLEY DR, CINCINNATI OH  
16     45227-1115
- 17     • FIRST AMERICAN TRUSTEE  
18     SERVICING SOLUTIO, 1500  
19     SOLANA BLVD STE 6100 BLDG  
20     6, WESTLAKE TX 76262-1709
- 21     • GOVERNMENT NATIONAL  
22     MORTGAGE ASSOCIATION, 451  
23     7TH ST SW RM B-133,  
24     WASHINGTON DC 20410-0001
- 25     • GREEN TREE SERVICING LLC -  
26     DITECH FIN, PO BOX 6176,  
27     RAPID CITY SD 57709-6176
- 28     • GREEN VALLEY RANCH, HOA  
1      CO TERRA WEST, PO BOX 94617,  
2      LAS VEGAS NV 89193-4617
- 3      • GREENTREE SERVICING LLC,  
4      PO BOX 6176, RAPID CITY SD  
5      57709-6176
- 6      • INTERNAL REVENUE SERVICE,  
7      CENTRALIZED INSOLVENCY  
8      OPERATION, PO BOX 7346,  
9      PHILADELPHIA PA 19101-7346
- 10     • IRS, INSOLVENCY  
11     DEPARTMENT, CINCINNATI OH  
12     45999-0023
- 13     • JP MORGAN CHASE BANK, PO  
14     BOX 183166, COLUMBUS OH  
15     43218-3166
- 16     • LUCY INNUSO, 7413  
17     LATTIMORE DR, LAS VEGAS  
18     NV 89128-3214
- 19     • MTC FINANCIAL INC DBA  
20     TRUSTEE CORP, 3571 RED ROCK  
21     ST STE B, LAS VEGAS NV 89103-  
22     1256
- 23     • NATIONAL DEFAULT  
24     SERVICING CORP, 7720 N 16TH  
25     ST STE 300, PHOENIX AZ 85020-  
26     7404
- 27     • NETTIE JOHNSTON, 2290  
28     SURREY MEADOWS AVE,  
1      HENDERSON NV 89052-2335
- 2      • NORTHWEST TRUSTEE  
3      SERVICES, INC, 2121 ALTON  
4      PKWY STE 110, IRVINE CA  
5      92606-4958

- 1 • OCWEN LOAN SERVICING LLC,  
PO BOX 24736, WEST PALM  
BEACH FL 33416-4736
- 2 • PEBBLE CREEK HOA, 8595 S  
EASTERN AVE, LAS VEGAS NV  
89123-2823
- 3 • SANDRA SCHAFER, 3383  
CLOVERDALE CT, LAS VEGAS  
NV 89117-3951
- 4 • SCHULTE PROPERTIES, LLC,  
9811 W CHARLESTON BLVD STE  
2-351, LAS VEGAS NV 89117-  
7528
- 5 • SEASIDE TRUSTEE INC, PO BOX  
752377, LAS VEGAS NV 89136-  
2377
- 6 • SECRETARY OF STATE, 101 N  
CARSON ST STE 3, CARSON  
CITY NV 89701-3714
- 7 • SELENE FINANCE LP, PO BOX  
421517, HOUSTON TX 77242-1517
- 8 • SETERUS, INC., PO BOX 1077,  
HARTFORD CT 06143-1077
- 9 • SHELLPOINT MORTGAGE  
SERVICING, PO BOX 740039,  
CINCINNATI OH 45274-0039
- 10 • SILVERADO RNCH LMA C/O  
FIRST SERVICE RES, PO BOX  
54089, LOS ANGELES CA 90054-  
0089
- 11 • SUMMERLIN NORTH  
COMMUNITY ASSOC, 2120  
SNOW TRL, LAS VEGAS NV  
89134-6709
- 12 • TD SERVICE COMPANY, 4000 W  
METROPOLITAN DR STE 400,  
ORANGE CA 92868-3503
- 13 • U.S. TRUSTEE - LV - 11, 300 LAS  
VEGAS BLVD S STE 4300, LAS  
VEGAS NV 89101-5803
- 14 • UNITED STATES BANKRUPTCY  
COURT, 300 LAS VEGAS BLVD  
S, LAS VEGAS NV 89101-5833
- 15 • WELLS FARGO HOME  
MORTGAGE, PO BOX 7198,  
PASADENA CA 91109-7198
- 16 • WEST SAHARA COMMUNITY  
HOA C/P FIRST SERV, PO BOX  
54089, LOS ANGELES CA 90054-  
0089
- 17 • SABLES, LLC, 3753 HOWARD  
HUGHES PKWY STE 200, LAS  
VEGAS NV 89169-0952
- 18 • CINDY LEE STOCK, SABLES  
LLC, 608 S 8TH ST, LAS VEGAS  
NV 89101-7005
- 19 • IMAGE FINANCE, LLC, 4751  
WILSHIRE BLVD STE 203, LOS  
ANGELES CA 90010-3860

20 Dated: 26 July 2017

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24  
25  
26  
27  
28  
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